

**RECORD OF PROCEEDINGS**

**MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING**

**OCTOBER 12, 2021**

Hawke called the meeting to order at 4:05 p.m. at the Jackson Township Hall with Trustees Todd Hawke, John Pizzino, and Jim Thomas present. Fiscal Officer Gonzalez, Administrator/Law Director Vaccaro, Fire Chief Berczik, Zoning Director Poindexter, and Public Works Director Rohn were also in attendance.

Hawke moved and Thomas seconded a motion to go into Executive Session for Police Department (Appointment / Employment / Compensation) – Police Officer Hiring.

**3-0 yes**

Hawke moved and Thomas seconded a motion to go into Executive Session for Public Works Department (Highway, Central Maintenance and Park Division) Personnel (Appointment / Employment / Compensation) – Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.

**3-0 yes**

Hawke moved and Thomas seconded a motion to go into Executive Session for Public Works Department (Highway and Park Division) Personnel (Appointment / Employment / Compensation) – Vacant positions.

**3-0 yes**

Upon return from Executive Session at 5:03 p.m., Hawke called the General Session to order. He requested that all cell phones be silenced at this time.

The Pledge of Allegiance was recited.

**Public Speaks - None**

**Administration Department**

**RESOLUTION 21-204 ATTACHED  
ADMINISTRATION BUILDING ROOF REPAIR**

Hawke moved and Pizzino seconded a motion that we hereby adopt and authorize the placement of the Board Chairman’s signature on the attached proposal with DCA Commercial Roofing, in the amount of \$28,500.00.

**3-0 yes**

**ATTACHMENT 10/12/21 A**

Hawke moved and Pizzino seconded a motion to approve a Then & Now Certificate for purchase order RG21539 to Northeast Productions in the amount of \$6,915.88 for the service agreement for the Amphitheater.

**3-0 yes**

**ATTACHMENT 10/12/21 B**

Hawke moved and Pizzino seconded a motion that we do not request a hearing for the Liquor Permit for Speedway LLC DBA Speedway 9379, 4967 Portage St NW, Jackson Township, North Canton, OH 44720.

**3-0 yes**

**Legal Department**

**ATTACHMENT 10/12/21 C**

Hawke moved and Thomas seconded a motion to approve the Negotiated Agreement between the Jackson Township Board of Trustees and the Board of Trustees and the Utility Workers Union of America, AFL-CIO, Local 568 (Highway Unit), effective July 1, 2021 to June 30, 2024, and to authorize the Board of Trustees to sign said negotiated agreement.

**3-0 yes**

**ATTACHMENT 10/12/21 D**

Hawke moved and Thomas seconded a motion to approve the Negotiated Agreement between the Jackson Township Board of Trustees and the Board of Trustees and the Utility Workers Union of America, AFL-CIO, Local 568 (Mechanics Unit), effective July 1, 2021 to June 30, 2024, and to authorize the Board of Trustees to sign said negotiated agreement.

**3-0 yes**

**ATTACHMENT 10/12/21 E**

Hawke moved and Thomas seconded a motion to approve the Negotiated Agreement between the Jackson Township Board of Trustees and the Board of Trustees and the Utility Workers Union of America, AFL-CIO, Local 568 (Park Unit), effective July 1, 2021 to June 30, 2024, and to authorize the Board of Trustees to sign said negotiated agreement.

**3-0 yes**

**RESOLUTION 21-205 ATTACHED**

**AMPHITHEATER SPONSORSHIP AGREEMENT – ROYAL DOCKS BREWING COMPANY**

Hawke moved and Thomas seconded a motion that whereas, the Board of Trustees owns the Jackson Amphitheater in Jackson Township, Stark County, Ohio; and,

Whereas, the Board of Trustees has sold sponsorships in its efforts to offset programming costs for engaged performances for the 2021 season the Jackson Amphitheater.

Be it resolved that we hereby adopt and authorize the placement of the Board Chairman’s signature upon the attached Sponsorship Agreement with the following:

1. Royal Docks Brewing Company \$1,000.00

3-0 yes

**RESOLUTION 21-206 ATTACHED  
CONCESSION CONTRACT – JACKSON GIRLS VOLLEYBALL**

Hawke moved and Thomas seconded a motion that whereas, the Board of Trustees plans and operates the Inaugural Jackson Township Fall Festival at the Jackson Amphitheater in Jackson Township, Stark County, Ohio.

Be it resolved that, we hereby adopt and authorize the placement of the Board Chairman’s signature on the attached Concession Contract with Jackson Girls Volleyball.

3-0 yes

**RESOLUTION 21-207 ATTACHED  
PUBLIC ENTITY RISK SERVICES OF OHIO, INC., CLAIM**

Hawke moved and Thomas seconded a motion that we hereby authorize the Township Administrator/Law Director, as the Board of Trustees’ representative, to execute any and all agreements recommended by PERSO, its agents and representatives with respect to claim number OTR19539A1.

3-0 yes

**RESOLUTION 21-208 ATTACHED  
A RESOLUTION AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF A TAX INCREMENT FINANCING AND COOPERATIVE AGREEMENT AND APPROVING AN AMENDMENT TO THAT CERTAIN TAX INCREMENT FINANCING AGREEMENT ENTERED INTO BETWEEN THE TOWNSHIP AND ABC TGAB LLC DATED DECEMBER 4, 2019, ALL IN CONNECTION WITH CERTAIN REQUIREMENTS FOR THE ISSUANCE OF BONDS BY THE DEVELOPMENT FINANCE AUTHORITY OF SUMMIT COUNTY; AND DECLARING AN EMERGENCY.**

Hawke moved and Thomas seconded a motion whereas, this Board approved Resolution No. 19-214 on August 15, 2019 (the “TIF Resolution”) describing certain public infrastructure improvements to be made that directly benefit certain parcels described therein (the “TIF Parcels”) and declaring “Improvements” (as defined in ORC §5709.73 and being generally the increase in the assessed value of real property that would first appear on the tax list and duplicate of real and public utility property after the later of the effective date of the TIF Resolution or the commencement date as defined therein were it not for the exemption granted herein) with respect to such parcels of real property located in the Township to be a public purpose, thereby authorizing the exemption of those Improvements from real property taxation for a period of time, providing for the making of service payments in lieu of ad valorem real property taxes by the owner of such TIF Parcels, and establishing a township public improvement tax increment equivalent fund into which such service payments shall be deposited; and

Whereas, pursuant to the TIF Resolution, the Township also approved entering into one or more Tax Increment Financing Agreements (each, a “TIF Agreement”), with the property owner of each

of the TIF Parcels, substantially in the form of the agreement attached thereto, and other related agreements and documents to facilitate the successful financing and completion of the Public Infrastructure Improvements, and the Township entered into one such TIF Agreement with ABC TGAB LLC dated as of June 15, 2020 (the “Gardens TIF Agreement”); and

Whereas, in connection with the issuance of bonds by the Development Finance Authority of Summit County (the “Authority”), it has been determined that certain amendments are required to be made to the Gardens Parcel TIF Agreement, and the Authority has further requested the Township to approve and execute a Tax Increment Financing and Cooperative Agreement (the “Cooperative Agreement”) to be entered into by and among the Authority, the Township, ABC TGAB LLC, and U.S. Bank National Association, a form of which is attached hereto as Exhibit A.

Now, therefore, be it resolved by the Board of Trustees of Jackson Township, Ohio, that:

Section 1. Amendment to Gardens TIF Agreement. The Trustees are hereby authorized to execute and deliver an Amendment to Tax Increment Financing Agreement (the “Amendment”) in the form attached hereto as Exhibit B to be entered into by and between the Township and ABC Gardens LLC, as successor Owner of the applicable TIF Parcel (as described therein), in order to amend Exhibit B thereto to revise the schedule of Minimum Service Payments (as defined therein), together with such further revisions or additions thereto as may be approved by the Trustees as consistent with the objectives and requirements of this Resolution, which approval shall be conclusively evidenced by the signing of the Amendment. The Fiscal Officer, Trustees and other appropriate Township officials are further authorized to provide such information and to execute, certify or furnish such other documents, and to do all other things as are necessary for and incidental to carrying out the provisions of the Amendment.

Section 2. Cooperative Agreement. The Trustees are hereby authorized to execute and deliver the Cooperative Agreement in the form attached hereto as Exhibit A on behalf of the Township, which shall include provisions regarding the assignment by the Township of Service Payments (and minimum service payments if applicable) deposited in the Greens at Belden Township Public Improvement Tax Increment Equivalent Fund (the “TIF Fund” established pursuant to Section 4 of the TIF Resolution with respect to the related TIF Parcel(s) and the use of the monies deposited in the TIF Fund, together with such revisions or additions thereto as approved by the Trustees as consistent with the objectives and requirements of this Resolution, which approval shall be conclusively evidenced by the signing of the Cooperative Agreement. The Fiscal Officer, Trustees and other appropriate Township officials are further authorized to provide such information and to execute, certify or furnish such other documents, and to do all other things as are necessary for and incidental to carrying out the provisions of the Cooperative Agreement.

Section 3. This Board of Trustees finds and determines that all formal actions of this Board of Trustees and of any of its committees concerning and relating to the passage of this Resolution were taken, and that all deliberations of this Board of Trustees and of any committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

Section 4. This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Township, and for the further reason that this Resolution is required to be immediately effective in order to enable the Township to provide for the real property tax exemption, the assignment of Service Payments and any minimum payments, and the related objectives provided for herein that are needed to benefit the Township and its residents by creating economic opportunities, enlarging the property tax base, and stimulating collateral development within the Township; wherefore, this Resolution shall be in full force and effect immediately upon its adoption by the unanimous vote of all three (3) members elected to Board of Trustees, or otherwise at the earliest time allowed by law.

**3-0 yes**

Gonzalez asked Vaccaro to explain the necessity of the amendment. Vaccaro explained that the amendment was needed to address the recent increase in assessed real estate values. The TIF agreement as originally executed didn't foresee the increase, therefore it needed amended in order to increase the service payments on the financing. Secondly, the vacant buildable lots need infrastructure improvements that will be eligible for tax increment financing.

### **Public Works Department**

#### **ATTACHMENT 10/12/21 F**

Hawke moved and Pizzino seconded a motion to accept the attached resignation from part-time Clerical Assistant, Stephanie Holben, effective October 4, 2021, at 11:00 hours.

**3-0 yes**

### **Park Division**

#### **ATTACHMENT 10/12/21 G**

Hawke moved and Pizzino seconded a motion to approve the appropriation transfer request from account code 214.510.5230 Workers Comp – Park, to account code 214.510.5214 Medicare Exp – Park, in the amount of \$2,000.00 and to account code 214.510.5120 Overtime Wages – Park, in the amount of \$4,327.34 for a total transfer amount of \$6,327.34.

**3-0 yes**

### **Central Maintenance Division**

#### **ATTACHMENT 10/12/21 H**

Hawke moved and Pizzino seconded a motion to approve the appropriation transfer request from account code 101.115.5387 Discretionary – CM, to account code 101.115.5508 Tool Purchase – CM, in the amount of \$2,000.00.

**3-0 yes**

#### **ATTACHMENT 10/12/21 I**

Hawke moved and Pizzino seconded a motion to approve the appropriation transfer request from account code 101.115.5230 Workers Comp – CM, to account code 101.115.5220 Hospitalization Ins – CM, in the amount of \$1,000.00.

**3-0 yes**

## **Fire Department**

### **ATTACHMENT 10/12/21 J**

Hawke moved and Thomas seconded a motion to approve the appropriation transfer request from account code 228.210.5220 Hospitalization Ins, to account code 228.210.5414 Equip Maint Contract, in the amount of \$57,000.00.

**3-0 yes**

Hawke moved and Thomas seconded a motion to accept a donation of \$40.00 from Karen Halter.

**3-0 yes**

### **ATTACHMENT 10/12/21 K**

Hawke moved and Thomas seconded a motion to approve a motion to approve a Then & Now Certificate for purchase order RG21568 to Olinger Landscapes, LLC in the amount of \$6,300.00 for the Safety Center Enhancements.

**3-0 yes**

## **Fiscal Office**

### **ATTACHMENT 10/12/21 L**

Hawke moved and Thomas seconded a motion to pay the bills in the amount of \$1,468,199.78.

**3-0 yes**

### **ATTACHMENT 10/12/21 M**

Hawke moved and Thomas seconded a motion to approve the minutes of the September 28, 2021 Board of Trustees' Meeting.

**3-0 yes**

### **ATTACHMENT 10/12/21 N**

Hawke moved and Thomas seconded a motion to approve the monthly reports for September 2021.

**3-0 yes**

## **Routine Business**

### **Announcements**

- Next regular **Board of Trustees'** meeting, October 26, 2021, 4:00 p.m., Executive Session and/or Work Session; 5:00 p.m., General Session, Jackson Township Hall.
- **CIC**, October 21, 2021, 8:00 a.m., Jackson Township Hall
- **LOGIC**, November 4, 2021, 9:00 a.m., Jackson Township Hall
- **Zoning Meetings**
  - BZA – October 14, 2021, 5:00 p.m., and October 28, 2021, 5:00 p.m., Jackson Township Hall

- Zoning Commission – None Scheduled
- **Haunted Hayride** – Saturday, October 16, 2021, 7:00 p.m. to 9:30 p.m.
- **Drive Thru Trick or Treat** – Sunday October 31, 2021, 12:00 p.m. – 1:30 p.m., Amphitheater Parking Lot
- **Halloween Trick or Treat** – Sunday, October 31, 2021, 3:00 p.m. – 5:00 p.m.

### **Zoning & Planning Department**

5:00 p.m. – Public Hearing

Amendment 652-21. Request re-zone of B-1 Suburban Office & Limited Business District to B-2 Neighborhood Business District, approximately 1.06 acres, located at 4164 Fulton NW, Sect. 25SE Jackson Twp. The Zoning Commission recommended approval of re-zone at 2-1 vote.

Stacy Bridges, 11158 Tritts St NW, Canal Fulton, OH 44614. Ms. Bridges has been a veterinarian in the area for the past 14 years. Within the past 8 years, she began focusing on rescue medicine and 3 years ago, she started her own non-profit rescue facility, which she is hoping to relocate to 4164 Fulton NW. The rescue facility would have a veterinary clinic on site to provide care. Most of the animals are foster based, however some would need to stay on premises. She understands there may be some noise concerns and says that she and her staff have already discussed ways to reduce the noise. Some of those concessions would be to limit the number of animals on premises to 5-7 and they would only be housed indoors overnight. She also stated that there will be structures in place to help reduce the noise. They are looking to make a positive impact in the community.

Karen Clark, 597 Rutland Dr, Highland Heights, OH 44143, spoke in favor of the re-zone. Ms. Clark said she is Stacy’s mother and that Stacy is very compassionate and respectful of animals, as well as any others she comes in contact with. If she is able to purchase this building, she will be supporting the community and helping animals in need.

Thomas asked where she was currently working out of. Ms. Bridges said she is working out of the Stark County Veterinary Emergency Clinic at 4303 Whipple Ave, Canton, OH 44718 and that there is not enough room at that facility. It is her temporary location and there is no overnight housing available. She said they share the surgical suite.

Hawke asked her about the noise levels and the landscape plan that would be required. She responded that she was unaware of that requirement. Poindexter explained that anytime a business abuts a residential neighborhood, there must be a buffer of some kind. Ms. Bridges said that she was planning on it anyways, but will look into it further.

Pizzino voiced his concerns about the zoning change. The requested change is in the middle of a B-1 zone and if she ever moved out, that may cause some problems in the area. Thomas agreed

and also inquired about a change to a Permitted Use in the B-1 area. Poindexter explained that a text amendment would allow a veterinary hospital in a B-1 area, but she added that it would also have to be amended to include overnight housing. Poindexter said that it would be another 3-4 months before that could be approved.

The Trustees' main concern is not Ms. Bridges request for her veterinarian center, but the zoning change that could then allow a restaurant, car wash, or something similar if she ever vacated the premises.

**ATTACHMENT 10/12/21 O**

Pizzino moved and Thomas seconded a motion to deny the recommendation of the Zoning Commission.

**3-0 yes**

The Trustees wanted to clarify that they support her idea and want her business in the Township. They even offered to help her find a new location.

**ATTACHMENT 10/12/21 P**

Hawke moved and Thomas seconded a motion to submit a notice to the County Auditor for fees and expenses for mowing noxious weeds at 6525 & 6487 Hills and Dales Rd NW, Parcel Nos. 1630431 & 1630433, SE Qtr Section 27.

**3-0 yes**

**ATTACHMENT 10/12/21 Q**

Hawke moved and Thomas seconded a motion to report to the County Auditor the township action regarding abatement of a nuisance at 3049 Perry Drive NW, Canton, OH 44708, Parcel No. 1629822, SE Qtr Section 34, Jackson Township.

**3-0 yes**

**Old Business – None**

**New Business – None**

**Public Speaks – None**

Hawke moved and Thomas seconded a motion to adjourn.

**3-0 yes**

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**Todd Hawke**

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**Randy Gonzalez**